

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

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IN RE:

Melissa E. Weaver, f.ka. Melissa Dawn Ellis

CHAPTER 7

CASE NO. 09-81245

Social Security No.:  
xxx-xx-4789

Address:  
245 Herbert Hill Drive, Timberlake, NC 27583-

**DEBTOR(S)**

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**SECOND MOTION FOR EXTENSION OF TIME TO COMMENCE ACTION**

Now comes the debtor above-named, and shows unto the Court as follows:

1. That this matter is a core proceeding pursuant to 28 U.S.C. §157, and that the Court has jurisdiction pursuant to 28 U.S.C. §151, 157 and 1334.
2. That, on June 2, 2011, the Debtor filed a motion pursuant to 11 U.S.C. § 350(b) to reopen this case.
3. Said Motion was granted on June 24, 2011, re-opening the case and allowing the Debtor sixty (60) days from the entry of the Order to file any further pleading.
4. Said time period expires on September 23, 2011.
5. That while no appearances have been made in this case by the potential Defendants, Chad A. Sharkey has contacted Debtor's counsel on behalf of some or all of the potential Defendants, including Bank of America.
6. The parties have agreed on the general terms of a settlement, but obtaining final approval from Bank of America takes additional time.
7. That in order to finalize the settlement, an extension of another thirty (30) days to file further pleadings is appropriate.

WHEREFORE, the Debtor moves the Court for an extension of another thirty (30) days to file further pleadings and for such other and further relief as the court may seem just and proper.

Dated: September 16, 2011

Law Offices Of John T. Orcutt, P.C.

/s Edward C. Boltz  
Edward C. Boltz  
North Carolina Bar No. : 23003  
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Durham NC 27705

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DEBTOR(S)

**CERTIFICATE OF SERVICE**

I, Renee Nolte, of the Law Offices of John T. Orcutt, P.C., certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on September 16, 2011, I served copies of the foregoing **MOTION FOR EXTENSION OF TIME TO COMMENCE ACTION** by **certified mail, return receipt requested**, upon the following parties:

Bank of America, N.A <b>Attn: Managing Agent</b> Post Office Box 941633 Simi Valley, CA 93094-1633	BAC Home Loans Servicing, L.P. <b>Attn: Managing Agent</b> Post Office Box 941633 Simi Valley, CA 93094-1633
Reorganized Sale of OKWD, Inc. f.k.a. Oakwood Homes Corporation <b>Attn: Richard M. Hutson, II, President</b> 302 East Pettigrew Street Durham, NC 27701	Chad A. Sharkey Morris, Manning & Martin, LLP 1000 Park Forty Plaza Suite 350 Durham, NC 27713
Investors Title Company Attn: Managing Agent Post Office Drawer 2687 Chapel Hill, NC 27515	Investors Title Company Attn: Gary Whaley Post Office Drawer 2687 Chapel Hill, NC 27515
Primary Residential Mortgage Inc. <b>Attn: Managing Agent</b> 4750 West Wiley Post Way #200 Salt Lake City UT 84116	WD Investments, L.L.C. <b>Attn: Managing Agent</b> 216 Sievers Circle Roxboro NC 27573

and electronically to:

John A. Northen Chapter 7 Trustee	Michael West Bankruptcy Administrator
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/s Renee Nolte  
Renee Nolte